

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALICIA HERNANDEZ, individually and
on behalf of all others similarly situated,

No. C 18-07354 WHA

Plaintiff,

v.

**ORDER FOR WELLS FARGO
TO SHOW CAUSE**

WELLS FARGO BANK, N.A.,

Defendant.

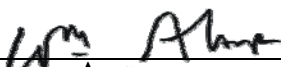
The Court has received plaintiff's request for an order to show cause and reviewed the letter sent by defendant Wells Fargo Bank, N.A. to affected customers (Dkt. No. 14). The letter fails to address the scenario in which the customer cashes the enclosed check but does not wish to participate in mediation with respect to any further claims against Wells Fargo. The Court is concerned that Wells Fargo will argue that cashing the check in such circumstances constitutes an acceptance of Wells Fargo's "offer" and thereby settles and releases all claims the customer may have or requires that all such claims be funnelled through mandatory mediation.

A hearing on this issue, and the other issues raised in plaintiff's request for an order to show cause (Dkt. No. 14), will be held on **JANUARY 3 AT 10:00 A.M.** Because Wells Fargo has not yet appeared in this action, plaintiff shall serve this order on Wells Fargo in the same manner in which the complaint and summons have been served. Plaintiff shall effect service by

DECEMBER 20 AT 5:00 P.M. Wells Fargo may file a response to the request for an order to show cause by **DECEMBER 31 AT NOON.**

IT IS SO ORDERED.

Dated: December 18, 2018.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE